

**DURHAM, NORTH CAROLINA  
MONDAY, MAY 1, 2006  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read the following proclamations: Drinking Water Month, Disability Awareness Week [May 1-5, 2006]; Older American Month; Workforce Development Professionals Month and National Safe Kids Week [May 1-6, 2006].

Mayor Bell presented certificates to the following water poster contest winners:

Grades K - 2: Cassidy Leovic, 2nd grade, Little River Elementary - First Place

Grades 3 - 5: Peyton Dilweg, 4th grade, Durham Academy - First Place; Megan Champion, 3rd grade, Little River Elementary - Second Place and Andrew Frey, 4th grade, Durham Academy - Third Place

Grades 6 - 8: Ivana Thomas, 6th grade, Neal Middle School - First Place, Monica Martinez, 6th grade, Neal Middle School - Second Place and Veronika Chan, 6th grade, Neal Middle School - Third Place

Also, statewide poster contest winners were recognized: Peyton Dilweg and Megan Champion placed first and second in grades 3 - 5 and Ivana Thomas placed first in grades 6 - 8.

Mayor Pro Tempore Cole-McFadden recognized the Heritage of Praise Youth Fellowship Choir from Emmanuel AME Church and Henderson Grove Baptist Church. Also, she recognized other churches that were in attendance.

Council Member Woodard announced he participated in the following events: Special Olympics Kick-off, Neighborhood College Graduation and Women-in-Action's Elna B. Spaulding Founders Awards Banquet.

Council Member Catotti noted she participated in the Emorywood Neighborhood Festival, Duke Lemur Center dedication, Duke Global Health Institute inauguration and Human Relations Fair Housing event, thanked everyone involved with the landscaping project along Martin Luther

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King, Jr. Parkway, the Ken Rose Thomas Payne Award and reminded everyone that tomorrow is Election Day.

Mayor Pro Tempore Cole-McFadden made comments on the following events attended: Elna B. Spaulding Founders Award Banquet, Career and Hospitality Event sponsored by Durham Public Schools and the Durham Convention and Visitors Bureau, Laborer of Love Luncheon honoring Day Care providers, Repair Program, Earth Day program, Neighborhood College, Senior Awards Game program, Emorywood and the Fair Housing event.

Council Member Clement attended the following events: N. C. Summit on Health Disparities, Human Relations Fair Housing Luncheon, congratulated Rev. and Mrs. Michael Page on his 5<sup>th</sup> Anniversary at Antioch Baptist Church, 2006 Spring Fling sponsored by the John Avery Boys and Girls Club.

Council Member Brown commented on the results from a study released last week about children.

Mayor Bell reported on his trip to Chicago regarding crime reduction and his attendance at the National Conference of Black Mayors in Memphis. Also, he noted three Durham students won scholarships from the National Conference of Black Mayors who will be recognized at a future Council Meeting.

Mayor Pro Tempore Cole-McFadden commended students from NCCU, Duke and Durham Tech who worked together to build a Habitat for Humanity home on Carroll Street. Also, she thanked the Durham Interdenominational Ministerial Alliance for their leadership in bringing the community together.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that the Consent #15 [Acquisition of Property at 415 Lakeland Street] be referred back to the administration, stated Council received additional information over the weekend on Supplemental Agenda Item #36 [Sub-recipient Contracts for FY 05-06 Community Development Block Grant Funds] regarding three applicants: Durham Affordable Housing Coalition, JRuth, Inc. and Housing for New Hope [Dove and Phoenix Houses]. The City Manager requested that Supplemental Agenda Item #36 be added to the Consent Agenda which is related to Consent #19 [FY 06-07 Annual Action Plan and grant ordinances for use of CDBG HOME/ADDI AND ESG FUNDS].

**MOTION** by Council Member Catotti seconded by Council Member Clement to approve the City Manager priority items was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

For clarification regarding the motion for Supplemental Agenda Item #36 [Sub-recipient Contracts for FY 05-06 Community Development Block Grant Funds], the City Attorney requested that the wording in the motion be changed from develop to execute.

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There were no priority items from the City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 19 [FY 06-07 Annual Action Plan and grant ordinances for use of CDBG HOME/ADDI AND ESG FUNDS] and 25 [Durham Walks Comprehensive Pedestrian Plan and Approval of Project List for 2005 Bond Referendum Pedestrian Improvements] were pulled.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the Consent Agenda as amended was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

To approve city Council minutes for the April 3, 2006 regular City Council Meeting; and

To approve City Council action taken at the March 23, 2006 City Council Work Session.

**Note: This item was referred back to the City Clerk's Office.**

**SUBJECT: DURHAM AREA TRANSIT AUTHORITY - APPOINTMENTS**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to reappoint Patrick Hannah - Regular Member (term expires March 1, 2009) and Michelle Wilson - Alternate Member (term expires March 1, 2009) and to appoint Christopher Harder - Regular Member (term expires March 1, 2009) and Susan Breed - Regular Member (term expires March 1, 2008) to the Durham Area Transit Authority was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: HOUSING APPEALS BOARD - APPOINTMENT**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to appoint Tiffany Dawn Russell to fill one (1) vacancy as a Regular Member to represent Tenant on the Housing Appeals Board with a term to expire on June 30, 2008 was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CITIZENS ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

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**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive and accept applications for a citizen to fill one (1) vacancy on the Citizens Advisory Committee with a term to expire on June 30, 2008 was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: ATTENDANCE REPORTS FOR BOARDS, COMMITTEES AND COMMISSIONS**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive Attendance Reports from the following Boards was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Cable TV Advisory Board, Citizens Advisory Committee, Convention & Visitors Bureau - Tourism Development Authority, Durham Area Transit Authority, Durham Cultural Master Plan Advisory Board, Durham Design Review Team, Bicycle and Pedestrian Advisory Commission, Board of Adjustment, City-County Appearance Commission, Durham Civic Center Authority, Durham Housing Authority Board of Commissioners, Durham Open Space & Trails Commission, Durham Planning Commission, Environmental Affairs Board, Equal Business Opportunity Program Advisory Committee, Historic Preservation Commission, Housing Appeals Board, Human Relations Commission, Lyon Park Advisory Board, Passenger Vehicle For Hire Commission, Raleigh-Durham Airport Authority, Recreation Advisory Commission, and the Workforce Development Board.

**SUBJECT: MAYOR'S NOMINEE FOR APPOINTMENT – RECREATION ADVISORY COMMISSION**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to appoint Carolyn Davis as Mayor's Appointee to the Recreation Advisory Commission with a term to expire on December 31, 2007 was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: EQUAL BUSINESS OPPORTUNITY PROGRAM ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive and accept applications for citizens to fill three (3) vacancies on the Equal Business Opportunity Program Advisory Committee for one (1) SDBE Construction Firm Owner, one (1) Non-SDBE Professional Services Firm Owner, and one (1) NON-SDBE Construction Firm Owner with terms to expire on April 1, 2008 was approved at 8:05 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PIGGYBACK PURCHASE - ONE (1) TANDEM AXLE CAB & CHASSIS - INTERNATIONAL TRUCK AND ENGINE CORPORATION**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with International Truck and Engine Corporation, in the amount of \$64,779, for providing the City with one Tandem Axle Cab & Chassis; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: BID REPORT - MARCH 2006**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of March 2006 was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**CITY OF DURHAM NORTH CAROLINA**

**April 12, 2006**

**MEMO TO: Patrick Baker, City Manager**

**THROUGH: Kenneth C. Pennoyer, Finance Director**

**FROM: Joseph W. Clark, Purchasing Manager**

**SUBJECT: Bid Report – March 2006**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of March 2006.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Contract Extension – Estimated Annual Requirements for Ready Mixed Concrete and Related Items

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Purpose of Bid: To provide various city departments with their annual usage of ready mixed concrete and related items.

Comments: Carolina Sunrock has agreed to extend the current contract with no price increase.

Opened: January 14, 2005

Bidders: Carolina Sunrock Corp \*\$58,084.00  
Butner, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	152		# Black Males	51	30%
Total # Females	15	10%	# White Males	76	50%
Total # Males	137	90%	# Other Males	10	10%
			# Black Females	01	01%
			# White Females	14	09%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Contract Extension – Estimated Annual Ammonium Hydroxide

Purpose of Bid: To provide Water Management with the annual requirements for Ammonium Hydroxide. This chemical is used in the drinking water process.

Comments: Brenntag has agreed to extend the current contract with no price .

Opened: January 14, 2005

Bidders: Brenntag Southeast \*\$47,059.50  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

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Total Workforce	125		# Black Males	47	36%
Total # Females	35	28%	# White Males	41	33%
Total # Males	90	72%	# Other Males	2	2%
			# Black Females	3	3%
			# White Females	31	25%
			# Other Females	1	1%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Hydraulic Raw Water Pump

Purpose of Bid: To replace existing hydraulic raw water pump at the Brown WTP

Comments: Patterson Pump Company is the only known source for this item.

Opened: N/A

Bidders: Patterson Pump Company \*\$65,000.00  
Toccoa, GA

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	371		# Black Males	27	7.3%
Total # Females	55	14.80%	# White Males	279	75.2%
Total # Males	316	85.20%	# Other Males	10	2.7%
			# Black Females	3	1.0%
			# White Females	51	13.7%
			# Other Females	1	.5%

The SDBE Data Base was used in the solicitation of bids for this item.

4. Bid: Tractor with Boom Mower

Purpose of Bid: To provide the Urban Forestry Division with a mower

Comments:

Opened: February 23, 2006

Bidders: Parker Farm Service \* \$66,383.57  
Shelby, NC

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James River Equipment Wilkesboro, NC	\$66,500.00
Right of Way Equipment Co. Raleigh, NC	\$69,409.00
Twin States Equipment, Inc. Marshville, NC	\$69,608.00
Gregory Poole Equipment Co. Raleigh, NC	\$81,783.00

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	25		# Black Males	0	0%
Total # Females	5	20%	# White Males	20	80%
Total # Males	20	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	5	20%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. Bid: Installation and Disposal of the Lights at the Durham Bulls Athletic Park

Purpose of Bid:

Comments: Bids were solicited from 18 contractors and only one response was received. Historically it has been difficult to find electrical contractors that were willing to work on the ball park lights due to their height.

Opened: February 17, 2006

Bidders: Tommy Lawrence Electrical Contractors, Inc. \* \$26,253.00  
Roxboro, NC

\*Awarded based on: Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	12		# Black Males	0	0%
Total # Females	1	8%	# White Males	11	92%
Total # Males	11	92%	# Other Males	0	0%
			# Black Females	0	0%



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# White Females	1	8%
# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT: BIDS – COMBINATION CATCH BASIN VACUUM AND SEWER  
CLEANING MACHINE - BRUDER/SARPE, INC.**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to accept the bid from Bruder/Sarpe, Inc., in the amount of \$124,506 for providing the City with one (1) Combination Catch Basin Vacuum & Sewer Cleaning Machine;

To authorize the City Manager to enter into a contract with Bruder/Sarpe, Inc., in the amount of \$124,506 for providing the City with one (1) Combination Catch Basin Vacuum & Sewer Cleaning Machine; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: SOLE SOURCE PURCHASE – DIGITAL IN-CAR VIDEO SYSTEMS –  
KUSTOM SIGNALS**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with Kustom Signals, in the amount of \$69,160 providing the City with fourteen Digital In-Car Video Systems; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH WHITE OAK  
PROPERTIES, INC. – WINDSOR COMMONS**

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**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a Water & Sewer Extension Agreement with White Oak Properties, Inc. to serve Windsor Commons was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT WITH BRYANT B. ROBERTS AND DEBORAH B. ROBERTS, INDIVIDUALS - MARGARET STREET**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a Water Extension Agreement with Bryant B. Roberts and Deborah B. Roberts, Individuals, to serve Margaret Street was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT PARTNERS, LLC - GREENFIELD SUBDIVISION**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a Water & Sewer Extension Agreement with Neighborhood Development Partners, LLC to serve Greenfield Subdivision was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: ACQUISITION OF PROPERTY AT 415 LAKELAND STREET, (PARCEL 119050) FOR THE NC 147 PEDESTRIAN BRIDGE REPLACEMENT**

To approve the acquisition of the property at 415 Lakeland Street (Parcel ID # 119050) for \$42,300.

**Note: By a vote of 7/0, the City Council referred this item back to the administration at the request of the City Manager.**

**SUBJECT: PROPOSED SALE OF PROPERTY AT 6408 AND 6412 FAYETTEVILLE ROAD - KAMALAKAR VENKANNAGARI AND VAMSHEE PADURU**

To accept the offer of \$401,000 from Kamalakar Venkannagari and Vamshee Paduru to purchase the property at 6408 and 6412 Fayetteville Road;

To authorize the payment of a five per cent commission of \$20,050 to Venu Kadari, the N.C. Real Estate Agent representing the successful buyer at closing; and

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To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed.

**Note: This item was referred back to the administration. -- General Services.**

**SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR WOODCROFT PARKWAY AND HIGHGATE DRIVE ROUNDABOUT ACROSS PROPERTY OF WOODCROFT COMMUNITY ASSOCIATION, INC.**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to find that it is necessary, in the public interest, and for the public use and benefit to begin eminent domain proceedings for a roundabout containing approximately 207.73 square feet of property across Parcel 144218 and 710.25 square feet across Parcel 144250, of Woodcroft Community Association, Inc.; and

To authorize the City Attorney to initiate proceedings for the purpose, with a deposit into Court of \$1.00, as the City's estimate of just compensation was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: HOUSING BOND FUND PERMANENT LOAN TO IVY COMMONS LIMITED PARTNERSHIP FOR REHABILITATION OF 223 LOW-INCOME TAX CREDIT UNITS**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to determine and find that mortgage loans for this housing project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions;

To authorize the expenditure of \$350,000 in projected 1996 Housing Bond Program income;

To authorize the City Manager to execute a Loan Agreement and related loan documents with Ivy Commons Limited Partnership in an amount of \$350,000 to provide permanent third mortgage financing at an interest rate of 2% with a term of 20 years with interest only payments until January 2008; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: AMENDMENTS TO THE RULES OF PROCEDURE OF THE CIVILIAN POLICE REVIEW BOARD**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the amendments to the Rules of Procedure of the Civilian Police Review Board in a manner consistent with the memo and the Rules of Procedure was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: TRANSFER OF DURHAM COUNTY ASSET TO DURHAM POLICE DEPARTMENT - DURHAM COUNTY EMERGENCY MANAGEMENT**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to accept the 1999 International Ambulance from Durham County Emergency Management for use by the Police Department's Bio-Chemical Emergency Response Team was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: N.C. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF GOVERNOR'S CRIME COMMISSION HOOPS AND HOPE GRANT AWARD**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to accept the North Carolina Department of Crime Control and Public Safety, Division of Governor's Crime Commission Hoops and Hope Basketball Tournament Grant by executing the grant documents; and

To adopt the North Carolina Department of Crime Control and Public Safety, Division of Governor's Crime Commission Hoops and Hope Basketball Tournament Grant Project Ordinance, in the amount of \$10,000 was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13257**

**SUBJECT: TELEPHONE SYSTEM MAINTENANCE CONTRACT – ALLCOM BUSINESS SOLUTIONS INC.**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a two (2) year contract with Allcom Business Solutions Inc., P.O. Box 1038, Holly Springs, NC 27540 to provide telephone system support and maintenance and data cabling services estimated at \$80,000 a year for a period of two years; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: TRIANGLE SEAMLESS SERVICE TRANSIT PROJECT**

To receive a presentation on the Triangle Seamless Service Transit Project.

**Note: A presentation was received at the April 20, 2006 Work Session.**

**SUBJECT: RALPH MCKINNEY**

To receive comments from Ralph McKinney regarding a follow-up on the intentional failure of protection for Durham citizens from racial hate and abuse.

**Note: Comments were received at the April 20, 2006 Work Session.**

**SUBJECT: PROPOSED SALE OF PROPERTY AT 506 BARNES AVENUE –  
EASTWAY VILLAGE PIN# 0831-10-45-6261**

To determine the property at 506 Barnes Avenue to be surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter;

To accept the offer of \$117,900 from Clyde and Debra Bittle to purchase the property at 506 Barnes Avenue; and

To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed.

**Note: This item was approved at the April 20, 2006 Work Session with a vote of 6/0.**

**SUBJECT: PROPOSED SALE OF PROPERTY AT 508 BARNES AVENUE –  
EASTWAY VILLAGE PIN# 0831-10-45-6268**

To determine the property at 508 Barnes Avenue to be surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter;

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To accept the offer of \$120,900 from Calinto and Johanna Parker to purchase the property at 508 Barnes Avenue; and

To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed.

**Note: This item was approved at the April 20, 2006 Work Session with a vote of 6/0.**

**[SUPPLEMENTAL AGENDA]**

**SUBJECT: SUB-RECIPIENT CONTRACTS FOR FY05-06 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - JRUTH, INC. - DURHAM AFFORDABLE HOUSING COALITION - HOUSING FOR NEW HOPE, INC.**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a sub-recipient contract that awards the FY05-06 Community Development Block Grants to JRuth, Inc. in the amount of \$12,000 for individualized homelessness counseling, and to execute sub-recipient contracts for Council approval for Durham Affordable Housing Coalition in the amount of \$50,000 to complete housing counseling activities and Housing for New Hope, Inc. in the amount of \$60,000 to support the Phoenix and Dove House operations was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: STREET RENAMING - 1,178.11 LINEAR FEET OF BARNES AVENUE (N06-01) – CITY OF DURHAM – NORTH OF TAYLOR STREET AND SOUTH OF LIBERTY STREET**

To continue a public hearing from March 20, 2006 and to receive public comments to rename a 1,178.11 linear foot portion of Barnes Avenue.

Mayor Bell noted the public hearing is being continued from the March 20, 2006 City Council Meeting.

Assistant City/County Planning Director Steve Medlin made comments on this item. He noted this item was heard at the March 20, 2006 City Council Meeting at which point two additional names were offered for Council's consideration. Based on the staff's evaluation of street names, Mr. Medlin noted all names submitted are sufficient for use to move forward in selecting a name. In addition, Mr. Medlin informed Council that the City Clerk has provided them with an e-mail received from PAC 1 today with their preference of Eastway Avenue. He referenced the following street names that could be used for consideration: Rosa Parks Lane, New Harvest

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Lane, Reddick Street, Eastway Avenue, Barnes Avenue and Goley Street. Mr. Medlin noted Goley Street would be an extension of an existing right-of-way located to the south which was a suggestion made by the Durham Housing Authority.

Council Member Clement thanked PAC 1 for their process concerning this item.

Council Member Brown stated he was baffled why changing the name to Rosa Parks Lane was so controversial in Durham.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive public comments to rename a 1,178.11 linear foot portion of Barnes Avenue; and

To rename a 1,178.11 linear foot portion of Barnes Avenue as Eastway Avenue was approved at 8:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: ZONING MAP CHANGE – MADISON GLEN II - (Z05-46) – TONY M. TATE LANDSCAPE ARCHITECTURE, P.A. – SOUTH OF LAKEVIEW ROAD, WEST OF MILTON ROAD AND EAST OF WILLOW DRIVE**

To receive public comments on the zoning map change for Madison Glen II (Z05-46);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z05-46 out of RS-20, RR; E-B, F/J-B and placing same in and establishing same as PDR 3.2; E-B, F/J-B to be effective once the street closing for Walsenburg Drive is approved and recorded; and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report.

Planning Department Recommendation: Approval, subject to the closing of Walsenburg Drive and based on consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 12-0 on March 14, 2006. The Planning Commission finds that the requested revision to the zoning districts is consistent with the Comprehensive Plan, but recommends denial due to inappropriate proposed density which is inconsistent with neighboring land uses, the presence of significant opposition from the community, inadequate community facilities proposed in the development plan, impacts on sensitive environmental areas; and the information in the staff report and comments received during the public hearing.

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Assistant City/County Planning Director Steve Medlin briefed Council on the staff report. He noted this request is consistent with the Comprehensive Plan, staff has recommended approval subject to the closing of Walsenburg Drive, based on its consistency with the Comprehensive Plan and the information contained in the staff report. Also, he noted this item was recommended for denial by the Planning Commission.

Mayor Bell opened the public hearing.

### **Proponents**

Attorney Craigie Sanders, representing the applicant, spoke in support of this request outlining three reasons why Council should support this zoning map change: 1) the applicant has been extremely pro-active since the Planning Commission Meeting in working with the area neighbors to resolve outstanding issues. The applicant has been working with John Thompson and his wife who voiced concerns about roadway access to Walsenburg Drive at the Planning Commission Meeting and Mr. Thompson is here tonight to support this project, the revised development plan is in response to the Poer's requests to include creating .67 acre of open space abutting the Poer's property, removing lots from the open space so that the Homeowner Association will own and maintain this newly created area, providing additional plantings along the entire common property line and reducing lots that abut the Poer's property. Secondly, he made comments on the density issue stating that the applicant is requesting just over three units per acre, City sewer and water is now available in the area and finally, this proposal meets the Comprehensive Plan definition of infield development.

John Thompson, 509 Walsenburg Drive, noted he raised a concern about access to the west end of his property at the March Zoning Commission Meeting. Since that time, the access issue has been resolved and is in support of this zoning map change.

### **Opponent**

Bryan Poer, of 409 Lakeview Road, spoke in opposition to this zoning map change. He expressed concerns about the development at the Planning Commission Meeting. Since meeting with the applicant, the proposal includes a 25-foot buffer along his property line, not removing old oak trees that he expressed a concern with. In addition, he is expressing concern with the density requesting that five units be reduced to four along the east side of his property, that berms be installed to conceal backyards of these houses that will be facing Lakeview Road, with wells being contaminated from drainage in the area and the school capacity.

### **Rebuttal**

Attorney Craigie Sanders, representing the applicant, responded to concerns raised. He made comments about the 25-foot buffer, trees that would be saved in this area and the density issue. He noted the applicant would not be able to build houses on the back property line due to the required setback. He addressed the landscaping issue, noted lots that abut Mr. Poer's property



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have been reduced and schools in this particular area have the capacity to handle the additional children.

Assistant City/County Planning Director Steve Medlin briefed Council on the ordinance regarding screening of double fronting lots.

Council Member Catotti asked staff if items addressing Mr. Poer and Mr. Thompson's concerns were committed elements.

Assistant City/County Planning Director Steve Medlin noted the provision of the 25-foot buffer adjacent to Mr. Poer as well as the provision relating to open space on the northeast corner have been addressed.

Craigie Sanders, representing the applicant, distributed a handout outlining the following six proposed additional committed elements with an additional committed element regarding open space:

- 1) A donation in the total amount of \$65,000 for off-site sidewalk improvements, in the general area of the Northern High School site near Milton Road and along Walsenburg Drive. This donation will be made before the issuance of the one-hundredth (100<sup>th</sup>) Certificate of Occupancy (CO).
- 2) No more than 129 single-family detached lots at the site.
- 3) The average lot size will be 6,750 square feet and the minimum lot size will be 6,001 square feet.
- 4) An open space (Open Space Areas 1) of approximately .67 acres as illustrated on Exhibit 1, attached hereto and incorporate herein by reference. Open space area 1 will be dedicated to the Madison Glen II Home Owner Association (the HOA) prior to the issuance of the one hundredth (100<sup>th</sup>) CO.
- 5) Three (3) proposed common areas as illustrated on the development plan will be provided. These proposed common areas will be dedicated to the Madison Glen II Home Owner Association (the HOA) prior to the issuance of the one hundredth (100<sup>th</sup>) CO. The total size dedicated will be 1.5 acres for the proposed common areas.
- 6) The developer will include a tot lot in one of the proposed common areas.

Regarding open space, Assistant City/County Planning Director Steve Medlin noted it is the applicant's intent to commit to provide a minimum of 10% open space which is doubling the amount of required open space for a project of this density and size.

It was noted that the 10% open space would be the seventh committed element.

All seven committed elements were read for the record.

Craigie Sanders, representing the applicant, referenced the location of common areas.

Council Member Catotti asked the applicant if there is a committed element regarding the concern about the large oak trees bordering Mr. Poer's property.

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Craigie Sanders, representing the applicant, noted Mr. Poer's concern is addressed in committed element # 4 and the attachment--Exhibit #1.

Council Member Catotti asked if the buffering along the back of Mr. Poer's property-- additional plantings along Mr. Poer's property—has been addressed.

Attorney Craigie Sanders, representing the applicant, offered as committed element #8 that the applicant will provide additional plantings along the common property line on our side and Mr. Poer's side.

For clarification on the wording for Committed Element #8, Assistant City/County Planning Director Steve Medlin noted the applicant will plant vegetation consistent with a class 4 standard in accordance with the ordinance and what the applicant has offered succeeds the minimum requirements of the ordinance.

Council Member Catotti made comments on staff presentation of the Pedestrian Plan last Thursday highlighting off-site sidewalk improvements as a critical need near school sites. She noted committed element #1 goes a long way in helping to address the sidewalk need.

Council Member Stith asked staff if the applicant had addressed concerns about density, the environmental and open space issues raised by the Planning Commission. Also, he asked if the density was in compliance with the Comprehensive Plan.

Assistant City/County Planning Director Steve Medlin replied yes. Relative to density, he noted this plan is consistent with the provisions of the UDO.

Council Member Brown asked applicant questions regarding the number of lots, tot lots and what type of recreation and walking trails will be provided on the site.

Attorney Craigie Sanders noted there would be one tot lot; however, the applicant will be providing common areas that can be used by the Home Owner Association. He noted the intent is to allow the Home Owner Association to determine the type of recreation.

Council Member Brown asked the applicant if there would be a monetary donation for the tot lot.

Attorney Craigie Sanders replied yes.

Council Member Brown asked staff to address what developers have done in the past regarding providing equipment/donation for tot lots.

Assistant City/County Planning Director Steve Medlin noted donation of monies to the home owner association at a certain interval and a minimal amount of equipment prior to the issuance of a certain number of certificate of compliance have been provided by the developers in the past.

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Attorney Craigie Sanders noted the applicant would make a donation, but needs to receive input from the Home Owner Association.

For clarification, Council Member Brown asked the applicant if the \$65,000 donation for off-site sidewalk improvements was targeted for this particular area--Committed Element # 1.

Attorney Craigie Sanders replied it's targeted for this specific area.

Mayor Bell asked how much sidewalk could be completed for \$65,000.

Assistant City/County Planning Director Steve Medlin stated a 1,000 feet of sidewalk.

Attorney Craigie Sanders, representing the applicant, discussed the sidewalk area near Northern High School near Milton Road that was started, terminated and does not run the entire length of the property line to Tom Wilkinson Road. The applicant is proposing to provide this donation to help defer the cost of the installation for the remainder of that sidewalk and there should be additional funds to provide sidewalks around Walsenburg Drive. He noted this is not a sidewalk that is required by the ordinance.

Mayor Bell asked staff if this is the case where the developer is required to build sidewalks, but the City might say that one is not needed here; therefore the developer can give us the money and we build a sidewalk somewhere else in the City of Durham.

Assistant City/County Planning Director Steve Medlin replied no and briefed Council on the sidewalk requirements of the ordinance.

Mayor Bell asked if sidewalks would be built throughout this development.

Assistant City/County Planning Director Steve Medlin replied that's correct.

Discussion was held on calculation of sidewalks.

Council Member Brown asked the applicant to discuss Committed Element #6 – developer will include a tot lot in one of the proposed common areas.

Craigie Sanders, representing the applicant, noted at the appropriate time the Home Owner Association will meet to discuss one of the four areas designated as open space to be created as a tot lot and the applicant is not aware at this state what is going to be provided at the site.

Council Member Woodard asked for clarification on the Committed elements 6, 7 and 8.

Assistant City/County Planning Director Steve Medlin addressed the language for Committed elements 5 through 8. Relative to #5 – language was added: 3 additional proposed common areas as illustrated on the development plan to clarify that there are four; #6 - suggested that the applicant indicate when the tot lot would be provided.

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Attorney Craigie Sanders, representing the applicant, committed to a minimum of \$5,000 for total equipment.

Assistant City/County Planning Director Steve Medlin noted the following committed elements should read: 7) the developer will provide a minimum of 10% open space and 8) additional landscaping along the northwest property line adjacent--the property will be provided to a minimum class 4 capacity standard which would be consistent with a 50 foot buffer.

Mayor Pro Tempore Cole-McFadden spoke in support of a basketball hoop for the youth.

Regarding Committed element #8, Council Member Catotti asked for additional clarification.

Attorney Craigie Sanders, representing the applicant, noted the applicant would provide additional plantings along/behind the property line of Mr. Poer with a class 4 buffer standard.

Bryan Poer made additional comments requesting that the density be reduced from five units to four.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Clement to receive public comments on the zoning map change for Madison Glen II (Z05-46);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z05-46 out of RS-20, RR; E-B, F/J-B and placing same in and establishing same as PDR 3.2; E-B, F/J-B to be effective once the street closing for Walsenburg Drive is approved and recorded; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13258**

**SUBJECT: ZONING MAP CHANGE - SOUTH CHIN PAGE ROAD PROPERTY (Z06-06) – BUILDERS 1<sup>ST</sup> CHOICE – SOUTH SIDE OF CHIN PAGE ROAD, WEST OF PAGE ROAD AND EAST OF SILICON DRIVE**

To receive public comments on the zoning map change for South Chin Page Road Property (Z06-06);

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To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-06 out of IL(D) and placing same in and establishing same as RS-M (D); and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 11-1 on March 14, 2006, based on consistency with the Comprehensive Plan and considering the information in the staff report and testimony provided at the public hearing.

Assistant City/County Planning Director Steve Medlin briefed Council on the zoning map change. He noted the request is consistent with the Comprehensive Plan, staff and Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing.

### **Proponent**

Ron Horvath, representing the applicant, spoke in support of this zoning map change. He noted this request would reduce the traffic and increase the student count by 39. He made comments on committed elements regarding the landscaping buffer and the children's play area. Regarding the children's play area, he noted the applicant has committed to \$5,000 towards play equipment and the developer will pay for whatever equipment the community would like to have in that area. He urged Council to approve this rezoning request.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the zoning map change for South Chin Page Road Property (Z06-06);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-06 out of IL(D) and placing same in and establishing same as RS-M (D); and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the

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public interest considering the determination and facts as set forth in the accompanying staff report was approved at 9:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13259**

**SUBJECT: ZONING MAP CHANGE – RENAISSANCE IV REVISED - (Z06-12) –  
THE JOHN R. MCADAMS COMPANY, INC. – EAST SIDE OF  
FAYETTEVILLE ROAD, SOUTH OF HERNDON ROAD AND NORTH  
OF MASSEY CHAPEL ROAD**

To receive public comments on the zoning map change for Renaissance IV Revised (Z06-12);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-12 out of MU(D); F/J-B and MTC (partial) and placing same in and establishing same as MU(D); F/J-B and MTC (partial) Change to Development Plan; and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 11-1 on March 14, 2006, based on consistency with the Comprehensive Plan and considering the information in the staff report and testimony provided at the public hearing.

Assistant City/County Planning Director Steve Medlin briefed Council on this revision to the development plan which was approved in June 2005. He noted the only change is an increase in square footage from 749,890 to 756,515 which would create more residential and office square footage and decrease commercial. He noted other committed elements shown on the original development plan are being carried over. He noted staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive public comments on the zoning map change for Renaissance IV Revised (Z06-12);

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To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-12 out of MU(D); F/J-B and MTC (partial) and placing same in and establishing same as MU(D); F/J-B and MTC (partial) Change to Development Plan; and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report was approved at 9:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13260**

**SUBJECT: PLAN AMENDMENT - 900 DAVIDSON AVENUE (A06-01) – ROBERTS CONSTRUCTION COMPANY – SOUTH OF EAST CLUB BOULEVARD BETWEEN ROXBORO ROAD AND MIDLAND TERRACE**

To receive public comments on the 900 Davidson Avenue (A06-01) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Industrial to Medium Density Residential (6-12 DU/A).

Staff Recommendation: Approval

Planning Commission Recommendation: Denial, 6-6, based on preserving Industrial designations.

Assistant City/County Planning Director Steve Medlin briefed Council on the plan amendment. He noted staff is recommending approval and the Planning Commission recommended denial of this request.

Mayor Bell opened the public hearing.

Duane Stewart, representing the applicant, spoke in support of this plan amendment. He made comments on the traffic capacity, access and urged Council to support this request.

Council Member Catotti asked staff if this item is approved what is the next step.

Assistant City/County Planning Director Steve Medlin noted the applicant has a pending rezoning request as well as site plan to deal with ongoing zoning enforcement issues on this site that would allow single family development.

Council Member Catotti asked staff if there would be concerns regarding water and sewer and access to the site.

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Assistant City/County Planning Director Steve Medlin noted the site is bi-sected by a sewer line, but not sure where the water is located. He noted the site is accessed via an existing public right-of-way that has been under-improved for a number of years and that Mr. Roberts has the desire to improve the right-of-way to access his property.

Council Member Catotti asked staff if the existing right-of-way is through residential neighborhoods.

Assistant City/County Planning Director Steve Medlin replied yes.

Council Member Catotti stated it is not appropriate for industrial traffic to be moving through a residential neighborhood. Also, she expressed a concern about the Ellerbe Creek watershed and that industrial on the site is not the best use.

No one spoke in opposition to the plan amendment.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Brown to receive public comments on the 900 Davidson Avenue (A06-01) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Industrial to Medium Density Residential (6-12 DU/A) was approved at 9:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Resolution #9354**

**SUBJECT: STREET CLOSING - 1,076.80 LINEAR FOOT PORTION OF CONOVER ROAD (SC05-18) – SHERRON VENTURES, LLC – SOUTH OF BOOKMAN STREET, NORTH OF RONDELAY DRIVE AND WEST OF BANDOCK DRIVE**

To receive public comments on the closing of 1,076.80 linear foot portion of Conover Road; and

To adopt an Order permanently closing a 1,076.80 linear foot portion of Conover Road.

Assistant City/County Planning Director Steve Medlin briefed Council on the street closing. He noted staff is recommending approval of street closing.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.



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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the closing of 1,076.80 linear foot portion of Conover Road; and

To adopt an Order permanently closing a 1,076.80 linear foot portion of Conover Road was approved at 9:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13261**

**SUBJECT: FLOOD DAMAGE PROTECTION ORDINANCE REVISIONS – (TC05-04)**

To receive public comments on the Flood Damage Protection Ordinance Revisions (TC05-04);

To adopt an ordinance approving text amendment TC05-04 to the Unified Development Ordinance which incorporates Flood Damage Protection Standards into the Unified Development Ordinance; and

To repeal the Flood Damage Protection Ordinance (Ordinance # 10728).

**Planning Department Recommendation – Approval**

Assistant City/County Planning Director Steve Medlin made comments on this item. He noted the City and County of Durham were notified by the State of North Carolina to bring our current flood hazard ordinances into compliance with model ordinances of the State of North Carolina. He noted staff and the Joint City/County Planning Committee both recommended approval of this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive public comments on the Flood Damage Protection Ordinance Revisions (TC05-04);

To adopt an ordinance approving text amendment TC05-04 to the Unified Development Ordinance which incorporates Flood Damage Protection Standards into the Unified Development Ordinance; and

To repeal the Flood Damage Protection Ordinance (Ordinance # 10728) was approved at 9:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13252**

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**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: FY 2006-2007 ANNUAL ACTION PLAN AND GRANT PROJECT  
ORDINANCES FOR USE OF CDBG HOME/ADDI AND ESG FUNDS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the FY 2006-2007 Annual Action Plan for Use of CDBG, HOME/ADDI and ESG Funds for submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to fulfill all administrative requirements and execute contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME/ADDI, and ESG program agreements and other Annual Action Plan documents;

To adopt the City of Durham U.S. Department of Housing and Urban Development Community Development Block Grant for FY2007 project ordinance, and authorization to execute grant agreement, in the amount of \$2,177,236;

To adopt the City of Durham U.S. Department of Housing and Urban Development HOME/ADDI Investment Partnership/American Dream Down Payment Initiative Program for FY2007 grant project ordinance, and authorization to execute grant agreement, in the amount of \$1,477,493;

To adopt the City of Durham U.S. Department of Housing and Urban Development Emergency Shelter Program for FY2007 grant project ordinance, and authorization to execute grant agreement, in the amount of \$84,270; and

To adopt the City of Durham U.S. Department of Housing and Urban Development Emergency Shelter Grant Program for FY 2007 grant project ordinance, and authorization to execute grant agreement, in the amount of \$84,005 was approved at 9:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #s 13253 – 13254 – 13255 – 13256**

**Allocation of 2006-07 CDBG Funds**

<b>HUD Allocation</b>		<b>\$1,967,236</b>	
<b>Est. Program Income</b>		<b>210,000</b>	
<b>Total</b>		<b>\$2,177,236</b>	
<b>Recipient</b>	<b>Project</b>	<b>Award</b>	<b>National Objective</b>
Partners for Youth	Youth Mentoring to 25 students.	\$15,000	Public Services Low-Mod Benefit
Durham County Criminal Justice Resource Center	Ex-offender job training and re-entry for 24 individuals.	\$69,606	Public Services Low-Mod Benefit

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YMCA	Project Safe Neighborhood Anti-Gang Initiative-Youth Prevention Intervention Model.	\$37,000	Public Services Low-Mod Benefit
John Avery Boys and Girls Club	Project Safe Neighborhood Anti-Gang Initiative—Mitigation Model.	\$37,000	Public Services Low-Mod Benefit
Durham Crisis Response Center	Transitional Housing for Victims of Domestic Violence to serve 15 individuals.	\$45,500	Public Services Low-Mod Benefit
Urban Ministries	Support of Community Kitchen to serve meals to the Homeless.	\$30,000	Public Services Low-Mod Benefit
Durham Affordable Housing Coalition	Sponsorship of World Changers Volunteer Repair Program to repair 25 houses.	\$50,000	Hsg Rehabilitation Low-Mod Housing
Durham Affordable Housing Coalition	Housing Counseling to provide one-to-one housing counseling to support the City's First Time Homebuyer Program to 65 individuals.	\$26,000	Public Services Low-Mod Benefit
Operation Breakthrough	Energy Efficient (Weatherization) Program to provide assistance to approximately 31 households.	\$80,000	Hsg Rehabilitation Low-Mod Housing
Self Help CDC	Maplewood Park (SWCD) Homeownership Project – 8 units	\$168,000	Acquisition/ Construction Low-Mod Housing
Habitat for Humanity	Gattis Street area (SWCD) Homeownership Project – 8 units	\$178,500	Acquisition/ Construction Low-Mod Housing
Housing Rehabilitation Program (DHCD)	City administered housing rehabilitation program primarily serving elderly and disabled owners. Combined with HOME funding of \$407k, will complete approximately 15 units.	\$150,000	Hsg Rehabilitation Low-Mod Housing
Urgent Repair Program (DHCD)	City administered urgent repair program for elderly and disabled owners to repair approximately 26 homes.	\$200,000	Hsg Rehabilitation Low-Mod Housing
Acquisition	Funds to acquire properties as a part of concentrated code enforcement efforts.	\$70,183	Acquisition Slum and Blight
Clearance	Clearance of acquired properties	\$8,000	Clearance Slum and Blight
Relocation	Relocation of tenants in acquired properties.	\$20,000	LMI Relocation
Community Relations (DHCD)	To support outreach in low-mod areas related to code enforcement and housing	\$125,000	Hsg Rehabilitation Code Enforcement Low-Mod Area Benefit
Code Enforcement (DHCD)	Code enforcement in LMI neighborhoods	\$432,000	Code Enforcement Low-Mod Area

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			Benefit
Administration (DHCD)	Partial funding of staff salaries reflects 20% of total allocation allowed by HUD.	\$435,447	Program Administration
	<b>Total</b>	<b>\$2,177,236</b>	

**Allocation of 2006-07 HOME Funds**

<b>HUD Allocation</b>		<b>\$1,246,861</b>
<b>Est. Program Income</b>		<b>200,000</b>
<b>ADDI</b>		<b>30,632</b>
<b>Total</b>		<b>\$1,477,493</b>
<b>Recipient</b>	<b>Project</b>	<b>Award</b>
ReBuild Durham, Inc.	CHDO Operating Funds to manage new projects.	\$24,000
ReBuild Durham, Inc.	Acquisition and renovation of 5 single family homes for affordable rental housing. Part of CHDO set aside.	\$138,000
Operation Breakthrough	Development of 2 single family homes for owner-occupancy on scattered sites. Part of CHDO set aside.	\$50,000
The Community Builders	Subsidy of 10 owner occupied units to be constructed in the HOPE VI project between Holman Homes and the Few Gardens site.	\$60,000
The Durham Center	Rental assistance to persons with mental disabilities.	\$100,000
Homeownership Programs (DHCD)	Funding for the various homeownership programs administered by the Department. Includes use of ADDI funds.	\$600,000
Housing Rehabilitation (DHCD)	Housing rehabilitation assistance primarily to elderly and disabled homeowners. Combined with CDBG funding of \$150k, will complete approximately 15 units.	\$357,744
Administration (DHCD)	Partial funding of staff salaries Reflects the 10% allowed by HUD	\$147,749
	<b>Total</b>	<b>\$1,477,493</b>

**Allocation of ESG Funds  
(\$84,270 Available)**

<b>Applicant</b>	<b>Activity</b>	<b>Award</b>
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Housing for New Hope	Homelessness Prevention --provide rental and utility assistance to 20 or more households that are in imminent danger of becoming homeless.	\$11,250
Durham Crisis Response Center	Essential Services--pay a portion of the salary of a full-time, evening Case Manager at their emergency shelter for after hours and weekend intake for women who are homeless due to domestic violence and/or sexual assault.	\$24,000
Genesis Home	Operations--provides transitional shelter and weekly case management to homeless families with children. Case management includes establishing goals and working toward obtaining permanent housing, transportation, gainful employment, or a GED to increase earning potential.	\$11,250
Urban Ministries	Operations--provides emergency shelter for single adults and transitional shelter for homeless families with children.	\$11,250
Interfaith Hospitality Network	Operations--provides temporary shelter, meals, transportation, and case management to homeless families through a network of 30 congregations. Goal is to help families find employment and stable living conditions.	\$11,250
DHCD	Homelessness Prevention Funds retained by the Department to provide assistance citywide on a direct request basis.	\$11,057
DHCD	Five percent administrative allowance.	\$4,213
	<b>Total</b>	<b>\$84,270</b>

**SUBJECT: DURHAM WALKS COMPREHENSIVE PEDESTRIAN PLAN  
ADOPTION AND APPROVAL OF PROJECT LIST FOR 2005 BOND  
REFERENDUM PEDESTRIAN IMPROVEMENTS**

To receive the Durham Walks Comprehensive Pedestrian Plan; and

To direct the City Manager to bring back any policy or program changes for further consideration by City Council.

Denise Hester, of 3526 Abercromby Drive, expressed concern that the greater dependence on the sidewalks in the Fayetteville Street corridor is not reflected in the funding recommendations of the Durham Walks Comprehensive Pedestrian Plan. She noted citizens have repeatedly asked Council for new sidewalks since 1999 to replace dangerous, missing sidewalk section, street improvements, streetscape improvements and buried utilities in the Fayetteville Street Historic District to be constructed at the same time the sidewalks are to be replaced, but as it stands now the Durham Walks Pedestrian Plan recommends virtually no repair or new construction of

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sidewalks on Fayetteville Street between NC 147 and Cornwallis Road. She urged Council to spend our tax dollars along the Fayetteville Street where people are already walking in significant numbers out of economic necessity.

Larry Hester, of 3526 Abercromby Drive, noted he is surprised that the sidewalk issue along the Fayetteville Street corridor is still an issue and highlighted the numerous requests that have been made for sidewalks over the years. He urged Council to fund sidewalks in the Fayetteville Street corridor.

Mayor Bell expressed concern that there is not a recommendation for sidewalk improvements [repair and replacement] along Fayetteville Street.

City Manager Baker noted what's in the Durham Walks Comprehensive Pedestrian Plan is for new construction. Also, he referenced a document dated April 26 that addresses \$2.5 million in 2005 GO bonds that are available for repair of existing sidewalks, a listing of these projects will be provided at a later date that staff is putting that together. He made comments on another listing for repair of existing sidewalks.

Mayor Bell stated he would like to see the plan for rehabilitating [repair/rebuild] sidewalks along the Fayetteville Street Corridor, where it starts and end along with a timetable at the May 4, 2006 City Council Work Session.

Public Works Director Katie Kalb noted she is in the process of working on plan which would require some engineering and staff would not be able to provide a report until August.

Mayor Bell asked staff has Fayetteville Street been included in the plan to spend any of the bond referendum money to repair sidewalk.

Public Works Director Katie Kalb replied no.

Council Member Clement noted Council has indicated throughout recent meetings that we were moving the Fayetteville Street corridor into a priority position.

A motion was made by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to direct the administration to report back with a plan to rebuild/repair sidewalks along the Fayetteville Street corridor.

It was indicated that the motion on the agenda is to receive the report.

Council Member Catotti noted she would like to have discussion but it's problematic to vote for new construction without knowing the location of repairs.

Mayor Bell made comments on the bond referendum and noted he would like to review the plan before August.

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Council Member Woodard noted he would like to make this a higher priority in receiving a report before August.

Mayor Pro Tempore Cole-McFadden expressed concern how priorities are set. Also, she asked the City Manager to provide information on the review committee and its recommendation for this item.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to direct the administration to report back at the May 15, 2006 City Council Meeting with a plan to rebuild/repair sidewalks along the Fayetteville Street corridor was approved at 9:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Council Member Catotti stated she supports the policy program recommendations.

Mayor Pro Tempore Cole-McFadden stated that she would be voting yes on this item, but has concerns about the process and content of Pedestrian Plan.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive the Durham Walks Comprehensive Pedestrian Plan; and

To direct the City Manager to bring back any policy or program changes for further consideration by City Council was approved at 9:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Mayor Bell made comments relative to the New Black Panther Party coming to Durham. Mayor Bell noted he has not had any contact with any members of the Black Panther Party nor did he invite them to come to Durham. The Mayor noted he treats them like any other organization and this town is open.

Mayor Pro Tempore Cole-McFadden shared with Mayor Bell that citizens have shared with her how proud they are of how the Mayor has conducted himself with his remarks during this trying time in our community. Also, she thanked him for his leadership.

Council Member Brown made comments noting that the New Black Panther Party is on the list of hate groups.

There being no further business to come before the City Council, the meeting was adjourned at 9:46 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk

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